

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BERNARDA F. BIDO,

Plaintiff,

- against -

ARGENT MORTGAGE COMPANY, LLC;
DEUTSCHE BANK TRUST COMPANY, As Trustee
and Custodian for GSAA 2006-2 by Saxon Mortgage
Services, Inc. f/k/a Meritech Mortgage Services, Inc.
as it's Attorney in Fact; SAXON MORTGAGE
SERVICES, INC.; BANK OF AMERICA, N.A.,
"XYZ, CORP.", (said name being fictitious, it being
the intention of Plaintiff to designate any parties,
corporations or entities, if any, having or claiming an
interest or lien upon the mortgage premises),

Defendants.

Index No. 11-5540 (WFK) (JMA)

STIPULATION AND
REMAND ORDER

WHEREAS Plaintiff commenced this action on October 14, 2011 in the Supreme Court of the State of New York for the County of Queens, Index Number 700641/2011 (the "State Court Action"); and

WHEREAS, Defendants Deutsche Bank National Trust Company, as Trustee and Custodian for GSAA 2006-2 by Saxon Mortgage Services, Inc. f/k/a Meritech Mortgage Services, Inc., as its attorney in fact ("Deutsche Bank") and Saxon Mortgage Services, Inc. ("Saxon") filed a Notice of Removal to the United States District Court for the Eastern District of New York on November 14, 2011 (the "Federal Court Action"); and

WHEREAS, Defendants Argent Mortgage Company ("Argent") and Bank of America, N.A. ("Bank of America") did not consent to removal; and

WHEREAS, the Notice of Filing of Notice of Removal does not appear on the State Court Action's docket and the state court continues to retain jurisdiction of the State Court Action; and

WHEREAS, Argent filed a motion to dismiss the State Court Action on November 18, 2011; and

WHEREAS, Bank of America filed a motion to dismiss the State Court Action on December 5, 2011, and has not appeared in this Federal Court Action; and

WHEREAS, on January 10, 2012, the state court heard argument on the motions to dismiss filed by Bank of America and Argent in the State Court Action, and further adjourned the return date on those motions to January 31, 2012; and

WHEREAS, on January 12, 2012, Bank of America submitted a letter to Magistrate Judge Joan M. Arzack requesting that this Federal Court Action be dismissed and/or remanded to the state court, as the case has not been removed from the State Court Action's docket; and

WHEREAS, on January 18, 2012, Argent submitted a letter to Judge William F. Kuntz, II, joining in Bank of America's request that this Federal Court Action be remanded, or in the alternative, that a pre-motion conference in advance of a motion to dismiss be scheduled; and

WHEREAS, a conference was held with the law clerk of Magistrate Judge Joan M. Arzack on January 25, 2012;

The undersigned hereby STIPULATE and AGREE:

1. To the extent it has been removed, this Federal Court Action is remanded to the Supreme Court of the State of New York, County of Queens, Index Number 700641/2011 and this federal case shall be closed.


~~2. The time for Deutsche Bank and Saxon to answer, make a motion with respect to, or otherwise respond to the Amended Complaint in the State Court Action is extended up to and including thirty days from the date of this Order.~~

*This issue
is for the
state court
to decide.*

3. This stipulation may be executed in counterparts and exchanged via facsimile or electronic mail.

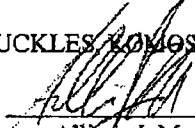
Dated: January 26, 2012

THE LAW FIRM OF BARRY FRANK

By: 
Barry Frank
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(347) 561-4212

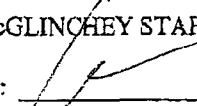
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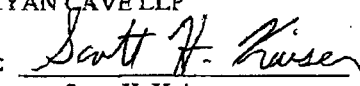
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Attorneys for Defendant Bank of America, N.A., which does not appear in this Federal Court Action

SO ORDERED:

s/JMA


Judge Joan M. Azrack
United States Magistrate Judge